UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,193	08/27/2001	Mark Harmon	10012513-1	4918

	7590	10/03/2005		EXAMINER	
HEWLETT-PACKARD COMPANY				ZHEN, WEI Y	
Intellectual Property Administration					
P.O. Box 272400			ART UNIT		PAPER NUMBER
Fort Collins, CO 80527-2400			2191		

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	
Office Action Summary	09/940,193	HARMON, MARK	
	Examiner	Art Unit	
	Wei Y. Zhen	2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 June 2005</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-18 and 20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) <u>12-18 and 20</u> is/are allowed.

6)☒ Claim(s) <u>1-8,10 and 11</u> is/are rejected.

7)☒ Claim(s) <u>9</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

1.   This Office Action is in response to the appeal brief filed on 6/24/2005.

2.   Claims 1-8, 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by "Smart

Internet Usage: Installation and Configuration Guide" (SMU), Art of record.

3.   Claims 12-18 and 20 are allowed.

4.   Claim 9 is objected to as being dependent upon a rejected base claim, but would be

allowable if rewritten in independent form including all of the limitations of the base claim and

any intervening claims.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by "Smart

Internet Usage: Installation and Configuration Guide" (SIU), Art of record.

        As per claim 1, SIU discloses

        a software object creation process providing guidance to a user with respect to creation of

a software object by said software object creation process (pp. 15-16, "4.1: using the collector

creation wizard");

        and an information communication link to a software object editor, said link providing

information with respect to said software object created by said software object creation process

to facilitate operation of said software object editor with respect to said software object (pp. 16-

17, "4.1.1: Contact configuration server and select collector" and pp. 51-52, "8.1.2 How IOR

files enable communication between SIU components").

As per claim 2, SIU discloses

wherein said software object creation process comprises a software wizard (pp. 15-16,

"4.1: using the collector creation wizard").

As per claim 3, SIU discloses

wherein said software object comprises a data collector (p. 17, "4.1.2: "Collector Type"

and p. 34, "5.2: "instantiating a collector").

As per claim 4, SIU discloses

wherein said software object comprises a plurality of selectable attributes for which said

software object creation process facilitates selection of by said user (pp. 35-36, "5.3:

Configuring a collector").

As per claim 5, SIU discloses

wherein said selectable attributes are configurable by said software object editor (pp. 35-

36, "5.3: Configuring a collector").

As per claim 6, SIU discloses

wherein said selectable attributes must be configured by said software object editor prior

to proper operation of said software object (p. 36, "5.4: Running collectors in the background").

As per claim 7, SIU discloses

a software object configuration option process providing said user with information with

respect to configuration of said software object (pp. 29-30, "4.2: Using the configuration and

Admin GUI").

As per claim 8, SIU discloses

wherein said software object configuration option provides selectable activation of said

information communication link (pp. 16-17, "4.1.1: Contact configuration server and select

collector" and pp. 51-52, "8.1.2 How IOR files enable communication between SIU

components").

As per claim 10, SIU discloses

wherein said information communication link is established after completion of said

software object creation process (pp. 50-52, "8.1.1. Managing the various forms of the config

store and 8.1.2. How IOR files enable communication between SIU components").

As per claim 11, SIU discloses

wherein said information communication link is established in proximity to selection of a

software object attribute for which said software object editor provides configuration editing (pp.

50-52, "8.1.1. Managing the various forms of the config store and 8.1.2. How IOR files enable communication between SIU components").

Allowable Subject Matter

6.   Claims 12-18 and 20 are allowed.

7.   Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8.   Applicant's arguments filed 6/24/2005 have been fully considered but they are not persuasive.

Applicant's argument

1)   SIU does not teach "an information communication link to a software object editor, said link providing information with respect to said software object created by said software object creation process".

Examiner's response

1)   SIU clearly disclose an information communication link to a software object editor, said link providing information with respect to said software object created by said software object creation process(pp. 16-17, "4.1.1: Contact configuration server and select collector", note that the wizard (the software object editor) must be able to contact (*communicate with*) the SIU

configuration server in order to read the component configuration (software object created by the software object creation process) from it and to store the new collector configuration on it).

Applicant's argument

2)   SIU does not disclose "wherein said selectable attributes are configurable by said software object editor" as recited in claim 5.

Examiner's response

2)   SIU clearly discloses "wherein said selectable attributes are configurable by said software object editor" (pp. 35-36, "5.3: Configuring a collector", note that the configuration and admin GUI are parts of the software object editor).

Applicant's argument

3)   SIU does not disclose "wherein said information communication link is established directly after selection of a software object attributes for which said software object editor provides configuration editing" as recited in claim 11.

Examiner's response

3)   Examiner disagrees. SIU discloses "wherein said information communication link is established directly after selection of a software object attributes for which said software object editor provides configuration editing" (pp. 50-52, "8.1.1. Managing the various forms of the config store and 8.1.2. How IOR files enable communication between SIU components", note that the link is inherently established directly after the selection of a software object attributes as claimed in order to be accessible to the system).

Conclusion

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Wei Y Zhen whose telephone number is (571) 272-3708. The

examiner can normally be reached on Monday-Friday, 8 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tuan Dam can be reached on (571) 272-3695. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wei Zhen
Primary Examiner
9/29/2005

WEI Y. ZHEN
PRIMARY EXAMINER